

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH F. FRANKL, Regional Director
of Region 20 of the National Labor
Relations Board, for and on behalf of the
NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

vs.

UNITED SITE SERVICES OF
CALIFORNIA, INC.,

Respondent.

Case No. 2:15-CV-01360-TLN-CKD

[RESPONDENT'S PROPOSED ORDER 2]

TEMPORARY INJUNCTION

1 Based on the entire record before the Court, it is hereby ORDERED, ADJUDGED AND
2 DECREED that, pending the final disposition of the matter of UNITED SITE SERVICES OF
3 CALIFORNIA, INC., NLRB Case Nos. 20-CA-139280, and 20-CA-149509, the Petition for
4 Temporary Injunction hereby is granted in the manner specifically set forth below:

5 Respondent, its offices, representatives, agents, servants, employees and all persons acting on
6 its behalf are:

7 A. Enjoined and Restrained from:

- 8 1) Withdrawing recognition from Teamsters, Local 315 ("Union") as the
9 exclusive collective-bargaining representative of the following "unit" of
10 employees at its Benicia, California facility:

11 All full-time and regular part-time Service
12 Technicians, Lead Service Technicians, Pick-Up and
13 Delivery Drivers, Mechanics, Laborers, and Fence
14 Installers employed by the Employer at its 1 Oak
Road, Benicia, California facility, but excluding
Dispatchers, supervisors and guards as defined by
the Act.

- 15 2) Failing or refusing to recall and reinstate former economic strikers at its
16 Benicia, California facility because they joined or assisted the Union by,
17 among other things, participating in a strike, or because they engaged in other
18 protected concerted activities for the purpose of collective bargaining or other
19 mutual aid or protection.

20 It is further ORDERED, ADJUDGED AND DECREED that, pending the final disposition
21 of the matter herein now pending before the Board, Respondent, its officers, representatives,
22 supervisors, agents, servants, employees, attorneys and all persons acting on its behalf or in
23 participation with it, shall take the following affirmative steps:

- 24 B. Within five (5) days of the date of this Order, offer interim reinstatement, in writing
25 per the template offer letter attached hereto as Exhibit A ("Offer"), to the following
26 former strikers who have not yet been reinstated to their former positions or, if those
27 jobs no longer exist, to substantially equivalent positions, at their previous wages and
28 working conditions and without prejudice to their seniority or any other rights or

privileges previously enjoyed dismissing, if necessary, first any of those seven (7) employees shown in these proceedings to have been illegitimately claimed as permanent hires made during the strike and, second, any permanent replacements hired during the strike; and reinstate the said former strikers upon acceptance of the offer:

Juan Romo Perez	Fence Driver
Juan Carlos Rodriguez	Mechanic

- C. The Offer shall be mailed via certified mail to each above-stated former striker at each's address of record with the Respondent unless another address is supplied by the Petitioner to the Respondent within four (4) calendar days from issuance of the Order; former-strikers receiving the Offer shall have ten (10) calendar days from mailing of the letter to accept as provided in the Offer; and the Respondent shall reinstate any so validly accepting the Offer within five (5) calendar days of said acceptance.
- D. Within five (5) days of the date of this Order, resume recognizing and bargaining in good faith, upon request, with the Union as the exclusive collective-bargaining representative of its Unit employees employed at its Benicia, California facility, and communicate the same to the Union in writing.
- E. Within seven (7) days of the date of this Order, post copies of the District Court's Order at its Benicia, California facility in all places where notices to its employees are normally posted, maintain these postings during the Board's administrative proceeding free from all obstructions and defacements, grant all employees free and unrestricted access to view said postings, and grant to agents of the Board reasonable access to its facilities to monitor compliance with this posting requirement for sixty (60) days.
- F. Within twenty-eight (28) days of the date of this Order, file with the District Court and serve upon the Regional Director of Region 20 of the Board, a sworn affidavit from a responsible official of Respondent describing with specificity the manner in which

1 Respondent has complied with the terms of the Court's decree, including the locations
2 of the posted documents

3 It is further ORDERED that this case shall remain on the docket of this Court and, on
4 compliance by Respondent with its obligations undertaken hereto and upon disposition of the
5 matters pending before the Board, the Petitioner shall cause this proceeding to be dismissed.

6 IT IS SO ORDERED at Sacramento, California, this _____ day of

7
8 _____, 2015.

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10 _____
United States District Judge

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EXHIBIT A

[DATE]

[FORMER STRIKER NAME]
[FORMER STRIKER ADDRESS OF RECORD]

Dear [FORMER STRIKER NAME]:

We are sending this letter to inform you that you are entitled to an unconditional offer of interim reinstatement to your former position, or to a substantially equivalent position, at your previous wage rate and working conditions and without prejudice to your seniority or any other rights or privileges previously enjoyed as follows:

Position: [FORMER STRIKER POSITION]
Location: Benicia
Category: Regular full-time, benefitted
Shift Details: [FORMER STRIKER'S FULL TIME SCHEDULE]
Pay rate: \$[FORMER PAY RATE]

If you wish to accept the offer of interim reinstatement stated herein, please check the appropriate box below, sign, date, and send it to United Site Services, Attn: Aggie Halley, 3408 Hillcap Ave., San Jose CA 95136. You may also drop off this completed letter with the receptionist at the same location. Also, if you wish to accept this position, you must call Aggie Halley at (408) 927-4233 to discuss any other logistic details that may apply.

The Company must receive your response by no later than by 5:00 PM ten (10) days from [DATE]

So, please be sure to respond by then or else the Company will assume you do not want the position.

Sincerely,

Aggie Halley
Human Resources Manager

I accept the position described above: _____ I decline the position described above: _____

Signature: _____ Date: _____